

Patent APPLICATION
Attorney Docket No. 7589.160.PCUS00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application **HJERTH, Kjell-Owe** Group Art Unit: 3683
of:

Serial No.: 10/708,590 Confirmation No. 2589

Date Filed: March 12, 2004 Examiner: SY, Mariano Ong

For: **FLEXIBLE ELEMENT**

Office of Initial Patent Examination Division (OIPE)
United States Patent and Trademark Office
Alexandria, VA 22313-1450

(Electronically Filed)

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)**

The following is in response to the Notice of Abandonment mailed from the United States Patent and Trademark Office (hereafter, "Office") on February 1, 2007 relating to the above captioned application. The Notice indicates that the abandonment was the result of a failure to file a proper reply to the Office letter dated 27 March 2006.

However, our records indicate (and are confirmed by the PAIR system) that a response to the 27 March 2006 Non-Final Office Action was timely filed on 27 September 2006 and received by the Office along with a three-month extension of time and the required fee.

As evidence of the foregoing please find the following attached to this correspondence:

- 1) A copy of the transmittal form containing the certificate of mailing indicating the mailing date of 27 September 2006.
- 2) A copy of the returned postcard indicating the Reply was received by the Office on 13 November 2006.

Since Applicants replied to the Office letter of 27 March 2006 within the statutory six-month period, Applicants respectfully submit that the above captioned application's status is mistakenly categorized as abandoned. Therefore, Applicants request that the Office withdraw the holding of abandonment.

Please contact the undersigned in the event that a telephone conference can resolve any remaining issues in this application or hasten its progression towards Examination and allowance.

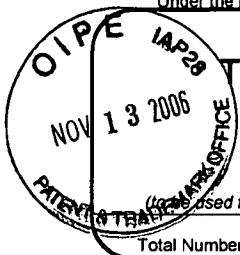
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(713) 456-2836 (fax)
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy W. Druce".

Tracy W. Druce, Esq.
Reg. No. 35,493

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(Use this form for all correspondence after initial filing)

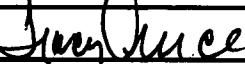
Total Number of Pages in This Submission

Application Number	10/708,590
Filing Date	03/12/2004
First Named Inventor	HJERTH
Art Unit	3683
Examiner Name	SY, Mariano Ong
Attorney Docket Number	07589.0160.PCUS00

ENCLOSURES (Check all that apply)

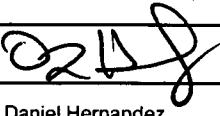
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Form PTO 2038.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	<input type="checkbox"/> Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NOVAK DRUCE & QUIGG, LLP		
Signature			
Printed name	Tracy W. Druce		
Date	09/27/2006	Reg. No.	35,493

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Daniel Hernandez		Date 09/27/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**TRANSMITTAL
FORM**

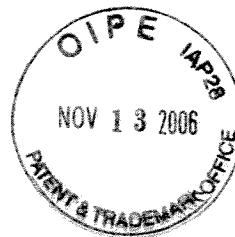
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Total Number of Pages in This Submission

Application Number	10/708, 590
Filing Date	3/12/2004
First Named Inventor	HJERTH, Kjell-Owe et al.
Art Unit	3683
Examiner Name	SY, Mariano Ong
Attorney Docket Number	D7589.0160. PCUS00

ENCLOSURES *(Check all that apply)*

<input type="checkbox"/>	Fee Transmittal Form	<input type="checkbox"/>	Drawing(s)	
<input checked="" type="checkbox"/>	Fee Attached	<input type="checkbox"/>	Licensing-related Papers	
<input checked="" type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>	Petition	
<input type="checkbox"/>	After Final	<input type="checkbox"/>	Petition to Convert to a Provisional Application	
<input type="checkbox"/>	Affidavits/declaration(s)	<input type="checkbox"/>	Power of Attorney, Revocation	
<input checked="" type="checkbox"/>	Extension of Time Request	<input type="checkbox"/>	Change of Correspondence Address	
<input type="checkbox"/>	Express Abandonment Request	<input type="checkbox"/>	Terminal Disclaimer	
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<input type="checkbox"/>	Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/>	Landscape Table on CD	
<input type="checkbox"/>	Reply to Missing Parts under 37 CFR 1.52 or 1.53	<table border="1"> <tr> <td>Remarks</td> </tr> </table>		Remarks
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